IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
NOTICE OF MOTION NO.4043 OF 2005
IN
APPEAL NO.793 OF 2005
IN
ARBITRATION PETITION NO.434 OF 2004

V/O "TYAZHPROMEXPORT" .. Appellant

v/s.

Mukand Limited & ors. .. Respondents

Mr.D.D.Madon, Senior Counsel with Mr.Birendra Saraf
i/by M/s.Udwadia & Udeshi for the appellant.

Mr.R.A.Dada, Senior Counsel with Mr.P.K.Samdani
i/by Mr.A.T.Agarwal for the respondents.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 9th January, 2006

P.C.

Heard.

2. By the order dated 24th November, 2005, the operation of the judgment and award dated 14th June, 2005 passed by the learned Single Judge and also the award dated March 8, 2004 read with addendum dated July 6, 2004 passed by the Arbitral Tribunal were stayed subject to the appellant's depositing the amount as stated in the order. Admittedly, the order dated 24th November, 2005 has not been complied with by the appellant and the amount has not been deposited as per the order dated 24th November, 2005. By a separate order, we have already dismissed the notice of motion No.4010 of 2005 taken out by the appellant. In

other words, the judgment and award dated 14th June, 2005 passed by the learned Single Judge and also the award dated March 8, 2004 read with addendum dated July 6, 2004 passed by the Arbitral Tribunal remain operative and we clarify that it is open to the respondent-Mukand Limited to enforce the aforesaid awards during the pendency of the appeal.

3. No further order is required in the notice of motion and it is disposed of accordingly.

(R.M. LODHA, J.)

(ANOOP V. MOHTA, J.)